

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

General Counsel

13 July 1983

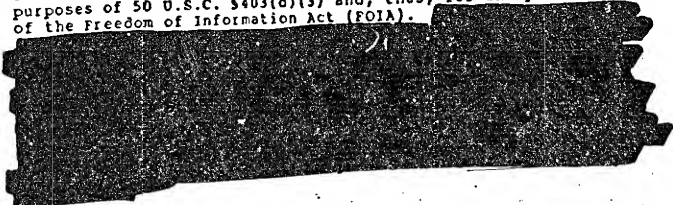
Honorable Rex C. Lee
Solicitor General of the
United States
U.S. Department of Justice
Washington, DC 20530

Dear Mr. Lee:

Re: John Cary Sims, et al. v. CIA
C.A. No. 82-1961 (D.C. Cir. June 10, 1983)

On 10 June 1983, the Court of Appeals, with Circuit Judge Bork dissenting in part, entered an opinion adverse to the Central Intelligence Agency (CIA). As you are aware, Circuit Judge Edwards, speaking for the Court, held that the CIA had not properly sustained its claims that certain individual researchers involved in the MKULTRA project were "intelligence sources" for purposes of 50 U.S.C. §403(d)(3) and, thus, for exemption (b)(3) of the Freedom of Information Act (FOIA).

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ISSUES PRESENTED

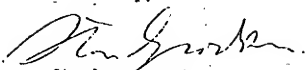
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DISCUSSION

Under Sims-II, most CIA case officers will feel personally obligated and duty-bound to warn their agents that the CIA cannot guarantee the anonymity essential to that relationship.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stan Sporkin", written in a cursive style.

Stanley Sporkin
General Counsel

22 APR 1985

Penny Bevis
Center for National Security Studies
122 Maryland Avenue, NE
Washington, DC 20002

Dear Ms. Bevis:

This is a final response to your 2 August 1983 Freedom of Information Act (FOIA) request (your C-141) for copies of CIA records documenting the comments of Agency case officers concerning the Sims test. The processing of your request included a search for records up through the date of our 17 August 1983 acceptance letter.

We have completed a thorough search for records responsive to your request and located two documents listed below which we have determined may be released to you in segregable form pursuant to FOIA exemptions (b)(3) and (b)(5). In reference to exemption (b)(5), the Agency is asserting the attorney-work product, attorney-client and deliberative process privileges as embodied in that exemption. Copies of these documents and an explanation of exemptions are enclosed.

Documents

1. Undated notes.
2. Memorandum, 13 July 1983.

The official responsible for these determinations is Mr. J. Edwin Dietel, Deputy General Counsel of the Central Intelligence Agency.

You have the right to appeal the above decisions by addressing your appeal to the CIA Information Review Committee, in my care. Should you decide to do this, please explain the basis of your appeal.

All fees for your particular request have been waived.

We apologize for the length of time it has taken us to complete the processing of your request, but we have been inundated by a large number of requests over the past several years. Under the

circumstances, we have done our best to be fair to all of our requesters. Thus, we established some years ago the policy of first-received, first-answered. Thank you for your patience and consideration while we were processing your request.

Sincerely,

John H. Wright

John H. Wright
Information and Privacy Coordinator

Enclosure

IPD/FPO/ksk/17 Apr 85

Distribution:

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1 - F83-0735 GIP (b) (3) (b) (5) Denier: J. Edwin Dietel, OGC;
fees waived

1-DECAL